**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**W.P.No.36121 of 1998**

Dated: 1.8.2006

Between
1.S. Mahaboob Basha and others.

.....Petitioners

and

The Revenue Divisional Officer,Anantapur.

....Respondent

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**W.P.No.36121 of 1998**

**ORDER:**

This writ petition is filed seeking a Mandamus to direct the respondent not to make any permanent appointment of fair price shop dealer to Neelampalli village by treating it as reserved for women by declaring the proceedings in RC.No.D1/CS/347/98 dated 14.12.1998 as illegal and arbitrary and contrary to the Judgment of this Court in WP No.672 of 1993 and batch dated 28.11.1997.

It is the case of the petitioners that they are residents of Neelampalli village. By a notification dated 14.12.1998, 11 fair price shops were notified for being filled up with women candidates. Only 30% of the fair price shops are fixed for allotment against women reservation inclusive of all categories. Whenever a notification is issued, they are supposed to notify only 30% vacancies for women category and not all the vacancies available as on the day. Whereas by the impugned notification all the 11 vacancies were sought to be notified against women category which is not permissible. Therefore, the same is illegal and arbitrary and contrary to the Judgment of this Court reported in 1997 (6) ALT page 548.

A detailed counter affidavit has been field denying the

allegations made by the petitioner. The vacancy has been reserved for BC women candidate and notification was issued inviting applications from the eligible candidates. The vacancy reserved to BC women candidate is not contrary to the Division Bench Judgment in WP No.672 of 1993 dated 28.11.1997. The reservation pertaining to the women candidates i.e., 30% works out to 249 in the entire revenue division. In the Revenue Division, 831 fair price shops are available. But the existing women candidates are only 223. Thus, there is a short fall of 26 candidates in women category i.e., 30% .

The learned Government Pleader says that all the 11 vacancies were sought to be reserved only for women candidates keeping in view the vacancy position. Insofar as Neelampally village is concerned, it is only reserved for BC women, the same is neither contrary to the Judgment of this Court nor to the Governmental instructions issued from time to time.

I am of the view, once 30% quota is not exhausted and the back log vacancies in that particular category i.e., women inclusive of all categories are sought to be filled up, it cannot be said that the authorities have committed any illegality or irregularity in issuing the impugned notification. Writ petition is devoid of merits and the same is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

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1.8.2006

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